

REMARKS

Applicants have cancelled claims 1-3, 14-22, 123, 129, and 134-136 without prejudice to introduction in a subsequent application or reintroduction in the present application. Applicants have added new claims 137-140. Support for new claims 137-140 can be found in paragraphs [0147] through [0175] as well as elsewhere throughout the specification. Additional support for new claims 137-140 can be found in Figures 7A through 7G. As a result, claims 122, 124-128, 130-133, and 137-140 are currently pending in the application.

Claims 1-3 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 09/805,261. Claims 1-3 and 131-136 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-3, 14-22, and 122-136 are rejected under 35 U.S.C. §112, first paragraph for failing to comply with the enablement requirement. Claims 14-19, 123-126, and 129 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 2001/0037255 to Tambay et al. (hereinafter "Tambay"). Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,304,869 to Moore et al. (hereinafter "Moore"). Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2002/0082753 to Guskov et al. (hereinafter "Guskov"). Claims 1-3, 14-22, and 122-136 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0139516 to Quinn et al. (hereinafter "Quinn") in view of United States Patent Application Publication No. 2002/0078103 to Gorman et al. (hereinafter "Gorman"). Claims 1-3, 14-22, and 122-136 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Quinn in view of Tambay.

Claims 1-3 and Provisional Double Patenting

Claims 1-3 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of copending United States Patent Application Serial No. 09/805,261. Applicants have cancelled claims 1-3 without prejudice to introduction in a subsequent application or reintroduction in the present application

rendering the present rejection moot. Moreover, United States Patent Application Serial No. 09/805,261 is abandoned.

Claims 1-3 and 131-136 and 35 U.S.C. § 112, First Paragraph

Claims 1-3 and 131-136 are rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the present rejection with respect to claims 131-133. Applicants have cancelled claims 1-3 and 134-136 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claims 1-3 and 134-136 renders the present rejection moot as applied to the cancelled claims.

Applicants respectfully traverse the rejection of claims 131-133 as failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. Claims 131-133 recite ternary modeling analysis. Support for this limitation can be found in paragraphs [0148] through [0169] of the specification as well as in Figures 7E, 7F, and 7G. The specification of the present application recites:

The wizard *calculations* are based on the results of a modeling experiment in which 13 different blends of the component ingredients are analyzed and tested. The model results are provided for display and reference purposes only and can be viewed in either tabular or graphical formats.¹

Moreover, the application provides several figures (7E, 7F, and 7G) displaying ternary plots and demonstrating how the results of the calculation are obtained.

For the foregoing reasons, Applicants respectfully request the Examiner to withdraw the present rejection of claims 131-133 under 35 U.S.C. § 112, first paragraph.

Claims 1-3, 14-22, and 122-136 and 35 U.S.C. § 112, First Paragraph

Claims 1-3, 14-22, and 122-136 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants have cancelled claims 1-3, 14-22, 123, 129, and 134-136 without prejudice to introduction in a subsequent application or

¹ Specification, paragraph [0148].

reintroduction in the present application. The cancellation of claims 1-3, 14-22, 123, 129, and 134-136 render the present rejection moot as applied to the cancelled claims.

Applicants respectfully traverse the rejection of claims 122, 124-128, and 130-133 as failing to comply with the enablement requirement of 35 U.S.C. § 112, first paragraph. As discussed above, the specification of the present application provides sufficient disclosure to enable one of skill in the art to make and use the invention without undue experimentation. The specification provides that “the wizard *calculations* are based on the results of a modeling experiment in which 13 different blends of the component ingredients were analyzed and tested.”² Moreover, Figure 7G displays the numerical data of the modeling experiment on which the calculations are based as well as the graphical representation of that data in the form of a ternary diagram or plot. Applicants respectfully assert that the foregoing disclosure in the specification and figures provides one of skill in the art sufficient information to practice the present invention.

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the present rejection of claims 122, 124-128, and 130-133 under 35 U.S.C. § 112, first paragraph.

Claims 14-19, 123-126, and 129 and 35 U.S.C. § 112, Second Paragraph

Claims 14-19, 123-126, and 129 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have cancelled claims 14-19, 123, and 129 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claims 14-19, 123, and 129 render the present rejection moot as applied to the cancelled claims.

Claims 124 and 125 have been amended to depend from claim 122. Applicants respectfully request that the rejection of claim 124 and 125 be withdrawn as they now depend from claim 122.

Claim 126 has been amended to “at least one graphical representation” from the previous rejected form of “at least on graphical representation.” Applicants respectfully request that the rejection of claim 126 be withdrawn.

² *Id.*

Claims 1-3 and 35 U.S.C. § 102(e)

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tambay. Applicants have canceled claims 1-3 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claims 1-3 renders the present rejection moot.

Claim 1 and 35 U.S.C. § 102(e)

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Moore. Applicants have cancelled claim 1 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claim 1 renders the present rejection moot.

Claims 1-3 and 35 U.S.C. § 102(e)

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Guskov. Applicants have canceled claims 1-3 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claims 1-3 renders the present rejection moot.

Claims 1-3, 14-22, and 122-136 and 35 U.S.C. § 103(a)

Claims 1-3, 14-22, and 122-136 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Quinn in view of Gorman. Applicants respectfully traverse the present rejection with respect to claims 122, 124-128, and 130-133. Applicants have canceled claims 1-3, 14-22, 123, 129, and 134-136 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claims 1-3, 14-22, 123, 129, and 134-136 renders the present rejection moot as applied to those claims.

Applicants respectfully assert that the present Office Action has not provided a sufficient basis for establishing the requisite motivation or suggestion to combine Quinn and Gorman. The Office Action merely states:

It would have been obvious to create software enable wizards, systems, and methods of using them to select adhesives with particular properties based on their component blends over in the internet as a more efficient business model.

Quinn et al. teaches the experimental design or model for hot melt adhesives where properties can be predicted based upon chemical composition. Gorman et al. demonstrates that it would have been well known in the art how to produce wizard applications. The specification itself acknowledges the desirability of web-based commerce in the background of the invention.³

From the description provided above, Quinn and Gorman are directed to completely unrelated topics. Moreover, the only concept linking these two unrelated references is the general desirability to conduct web-based commerce. Without more, Applicants respectfully assert that the broad and general desirability of web-based commerce does not provide sufficient motivation for one of skill in the art to combine Quinn and Gorman in an attempt to develop systems and methods for calculating the standard adhesive properties of a component blend. The Examiner is reminded that the teaching or suggestion to make the claimed combination must be found in the prior art and not the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In view of the failure to provide the requisite motivation or suggestion to combine Quinn and Gorman, Applicants respectfully assert that claim 122 is patentable over Quinn in view of Gorman and respectfully request the present rejection be withdrawn. As claims 124-127 and 131 further limit claims 122 or intervening dependent claims, Applicants respectfully assert that claims 124-127 and 131 are also patentable over Quinn in view of Gorman and respectfully requests that the Examiner withdraw the rejection of these claims as well.

Applicants additionally respectfully assert that claims 128 and 130 are patentable over Quinn in view of Gorman for the same reasons as applied to claim 122 and respectfully request the present rejection be withdrawn. As claims 132 and 133 further limit claims 128 and 130 respectively, Applicants respectfully assert that claims 132 and 133 are also patentable over Quinn in view of Gorman and respectfully requests that the Examiner withdraw the rejection of these claims as well.

Claims 1-3, 14-22, and 122-136 and 35 U.S.C. § 103(a)

Claims 1-3, 14-22, and 122-136 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Quinn in view of Tambay. Applicants respectfully traverse the present rejection with respect to claims 122, 124-128, and 130-133. Applicants have canceled claims 1-

³ Office Action mailed September 9, 2005, page 9.

3, 14-22, 123, 129, and 134-136 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of claims 1-3, 14-22, 123, 129, and 134-136 renders the present rejection moot as applied to those claims.

For reasons consistent with those provided in the discussion of Quinn and Gorman, Applicants respectfully assert that the present Office Action has not provided a sufficient basis for establishing the requisite motivation or suggestion to combine Quinn and Tambay. Tambay is directed to web-based applications while Quinn addresses hot melt compositions using aliphatic resins. In addressing substantially different subject matter, Quinn and Tambay do not explicitly or inherently suggest combination with one another to arrive at systems and methods of the present invention.

In view of the failure to establish requisite motivation or suggestion to combine Quinn and Tambay, Applicants respectfully assert that claim 122 is patentable over Quinn in view of Tambay and respectfully request the present rejection be withdrawn. As claims 124-127 and 131 further limit claim 122 or intervening dependent claims, Applicants respectfully assert that claims 124-127 and 131 are also patentable over Quinn in view of Tambay and respectfully requests that the Examiner withdraw the rejection of these claims as well.

Applicants additionally respectfully assert that claims 128 and 130 are patentable over Quinn in view of Tambay for the same reasons as applied to claim 122 and respectfully request the present rejection be withdrawn. As claims 132 and 133 further limit claims 128 and 130 respectively, Applicants respectfully assert that claims 132 and 133 are also patentable over Quinn in view of Tambay and respectfully requests that the Examiner withdraw the rejection of these claims as well.

New Claims 137-140

Applicants have added new claims 137-140. Support for new claims 137-140 is provided above. Applicants respectfully assert that new claims 137-140 are patentable over the cited prior art and prior art of record in the present application.

CONCLUSION

In view of the foregoing, an allowance of the claims is respectfully solicited. The Examiner is respectfully invited to contact Charles W. Calkins at 336.607.7399 or J. Clinton Wimbish at (336) 607-7399 to discuss any matter relating to this application.

Respectfully submitted,

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Date

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